

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
February 7, 2006**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Mike Hoffman, Assistant Planner; Carl Purdy, IT Manager; Matt Johnson, County Attorney; Megan Bullock, Sanitarian; Liz Burke, Helena National Forest; Debbie Anderson, Montana Discovery Foundation; Richard Saunders, Ted Oyana, Garry and Janie Wunderwald, Arnold and Louise Boettcher, Mike Gilles, Clyde Schledenitz, Kathy and Robert Myers, Jan Anderson, *Boulder Monitor/Jefferson County Courier*

CALENDAR REVIEW

2/8 TSEP meeting - Billings
2/9 Greg Jackson - JPIA - 9:30
Elected Official/Department Head meeting - 10:30
View Holmes Gulch & Tucker Gulch - noon
Elkhorn Working Group - 3:00

COMMISSION REPORTS

PUBLIC HEARING REGARDING PROPOSED METH TREATMENT FACILITY

Commissioner Lythgoe reported that the meeting held on the 31st had a great turnout. It was tough to gauge who was on what side based on the questions. There seemed to be more people in favor of the project than not. Commissioner Notbohm stated that the politics have begun. Harold was told to delay having the land surveyed; Butte is apparently stepping up. Commissioner Lythgoe stated that it was a good meeting nevertheless. He feels it meets the requirement for an evening public meeting.

MONTANA TUNNELS ADVISORY GROUP

Commissioner Lythgoe reported that he attended a MTAG meeting Wednesday morning at Tunnels. They are still confident that will they put financing together. So much so, that they are hesitant to go to the state regarding available loan programs. Commissioner Lythgoe stated that one thing they did discuss at the MTAG meeting is the need to be really proactive as far as what we deem regulations to be per the permitting process. Currently, the regulations are too

restrictive and the permitting process is too slow. This is very important to the County. Commissioner Weber stated that he spoke with Tom Harrington. Other states have one person that works with permits from start to finish, and he is wondering if this is a position that metal mines monies could fund. Commissioner Lythgoe stated that it would be appropriate. Montana needs to step up to the plate; everyone in the industry says that mines won't look at Montana due to the regulations and permitting process, and we need to try to do something about it. Commissioner Notbohm stated that the flavor of Montana in general is on the green side. Each governor says they are going to streamline the permitting process, and always gets shot down. Commissioner Weber stated that he is on the green side too, he doesn't want anything poisoned, but part of the problem is combating what happened in the past. He agrees that they need to be proactive.

TREASURER'S OFFICE

Commissioner Lythgoe reported that he had a change to be a treasurer on Thursday, as the entire office attended a funeral. He dealt with several calls during that time.

BUSINESS CONFERENCE

Commissioner Weber reported that he attended a business conference in Butte on Thursday. He said that he would put the information he picked up through the mail. Montana is doing well, but lacking in timber, manufacturing and mining, so this is driving our numbers down. Regarding tourism, part of the conference was on who should spend what where - people who come to see open spaces are the biggest spenders, at the malls, for gas and food. However, they want to drive through the open spaces, not necessarily hike. Ag producers had a good year, and there is some potential for niche markets, such as organics.

ROADLESS ISSUES

Commissioner Notbohm stated Dave Schultz, Madison County Commissioner, stopped in to talk to him regarding our meeting last week. He had read an article in the *Independent Record* about our meeting, and he likes what we are doing. His Commission is getting the same feedback as we are regarding access. There are plans for a major addition to the wilderness area in Madison County. They have also been promised by the Forest Service to work with the Commission on several roads, but now they aren't returning calls. Commissioner Notbohm stated that we need to start the process of meeting with the Forest Service, BLM and other agencies. Commissioner Lythgoe agreed that they need to get started on this quickly. Commissioner Weber asked if the Commission would like to meet with each agency individually. It was agreed that this would be best. Commissioner Lythgoe asked if they should start with a hard one first or easier. Commissioner Weber stated that he will set up meetings as he can at this point. Commissioner Weber asked if he should try to have the meetings here on Thursdays. Commissioner Lythgoe agreed that this would be better. The meetings will need to be agendized, as the public may want to attend.

ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Carl Purdy, IT Manager, stated that he has received a request for a new phone system at the

Extension Office. They do need a new system, as the current one is falling apart. He contacted B&C Telecom for a quote. He was given a quote on a good system, that is very expandable. It is the same system that we are currently using in the courthouse complex, just newer. Commissioner Weber asked if there would be any issue with moving the system, if the Extension office decided to relocate. Carl stated that it should move fine; some re-wiring might need to be done. This is a good system, and he would recommend it. Commissioner Lythgoe stated that this will need to be put on an agenda, and they will need to decide if it will be paid for out of PILT or metal mines money.

CORRESPONDENCE

Commissioner Lythgoe stated that the Commission has received a copy of a memo sent to Sally Buckles regarding the amount of vacation time she has accumulated. She needs to use 70 hrs of vacation time before the end of March, but she only works 20 hours a week. Commissioner Lythgoe moved to extend the deadline to the end of September. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe reported that he received a letter at his home address from Baucus aide Holly Luck. The letter was a request to submit, by February 17th, projects for federal appropriations requests. Commissioner Notbohm stated that this is pretty vague; he would like some more information. Commissioner Lythgoe stated that his idea would be to request funding to implement the infrastructure study. Commissioner Weber stated that in the south end, Pipestone, Millegan Canyon and Robbins Lane would have potential, and he could put a dollar figure on pretty quickly. Commissioner Lythgoe also suggested the trail from Whitehall to the fish pond. Commissioner Weber asked about the central area. Commissioner Notbohm stated that he would like some guidance of what is realistic. Commissioner Weber said that the building expansion project would be good to submit.

Commissioner Lythgoe stated that he received a letter from Roxanne Lincoln, offering her services as a grant researcher/coordinator on a contract basis. She lives in Helena. Commissioner Weber stated that she does grants with the Jefferson River Watershed, and does a great job. He will contact her for more information.

Commissioner Lythgoe stated that the Commission has received an amendment to the audit contract. The County's audit has changed to a federal audit, so there will be a price change. Commissioner Weber moved to sign the amendment. Commissioner Notbohm stated that he is not pleased with this. He has spoken to Bonnie, and all of the money being included isn't grant money. Commissioner Lythgoe stated that it would be appropriate to put this off for a week and research. Commissioner Notbohm moved to authorize Commissioner Lythgoe to sign the amendment, pending conversation with Bonnie. Commissioner Weber seconded. The motion carried.

SUBDIVISION REVIEW

REQUEST FOR EXTENSION - S&C #1 MINOR SUBDIVISION

Harold Stepper, County Planner, presented his staff report. The applicant's attorney states in a

letter that a time extension is needed since the subdivision is tied up in litigation. Harold recommended that the extension be granted.

Rick Saunders stated that Bob is proceeding with the project and will probably ask that he finish the excavation. There is a culvert recommended, and he would like to request that he be able to do this, per the engineer's recommendation and design. He would like to get this done before the spring thaw.

Commissioner Weber stated that the only requirement to do that would be an encroachment permit and an engineer's drawing to show the scope of work. Harold stated that what he has received is from Great West Engineering. Alan Erickson looked at the road and recommended where the pipes should go. Bill Lloyd has confirmed this. All the developer needs is an encroachment permit.

Commissioner Lythgoe said that his only question, and he is not opposed to what they want to do, but is this going to be enough. Rick stated that he will build a retaining dike to direct the water. He will go from the existing channel, under the road, then back to the existing channel. Harold stated that this is also his recommendation, to go back to the original drainage.

Commissioner Lythgoe stated that he doesn't see a problem with this. He noted that the encroachment permit would just be for this project, and it wouldn't cover the rest of the project. Rick stated that he understands this; he just wants to protect the road and the work that has already been done.

Commissioner Weber moved to grant a one-year time extension for the S&C #1 minor subdivision, until April 13, 2007. Commissioner Lythgoe seconded. The motion carried.

REQUEST FOR TIME EXTENSION - S&C #2 MINOR SUBDIVISION

Harold presented his staff report and stated that the same circumstances apply as with S&C #1.

Commissioner Lythgoe moved to grant S&C #2 an extension to June 22, 2007. Commissioner Notbohm seconded. The motion carried. Commissioner Weber stated that the encroachment permit needs to have an engineer stamped drawing showing the proper sized pipe.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

LIZ BURKE - YOUTH FORESTRY MONITORING PROGRAM - DISCUSS AND DECIDE ON GRANTING REQUEST FOR SUPPORT

Liz Burke, Program Director for the Youth Forestry Monitoring Program, stated that she appreciates the support the program has received the past two years. There were two youth from Jefferson County that took part in the program last year. She said that the program has now gained support from Powell County. She is here today to request continued support from Jefferson County with Title III funds, and they are requesting \$5000 again this year. Commissioner Lythgoe stated that he attended the presentations two years ago, and was blown away at what the youth had learned and accomplished. Commissioner Lythgoe moved to approve \$5000 from the Title III funds for the Youth Forestry Monitoring Program.

Commissioner Notbohm seconded. The motion carried.

1ST READING - REVISED ANIMAL CONTROL ORDINANCE

Megan Bullock, Sanitarian, presented the revised ordinance. She stated that the County Attorney had a few concerns with some of the language in the ordinance. He felt that the language concerning the animal control officer should be removed, as we don't have one at this time, but Megan noted, per the definitions, that this can be a law enforcement officer or the health officer.

In section 3, the attorney has a problem with animals in heat, stating that it would be difficult to prove. The committee's reasoning for putting this in is that animal owners may want to blame the owner of the female for their dog's bad behavior. She stated that it is not a problem to remove that language and treat all dogs equally.

In section 4 (B), there was concern by the attorney regarding pursuit of an animal onto private property without a warrant. He prefers to leave it up to law enforcement to pursue a warrant if needed.

In section 4 (C), he would like to add the words "or given away".

Commissioner Weber asked in the exclusions, if any range needs to be designated for hunting dogs, noting that they can get miles ahead of hunters. Megan stated that the committee discovered that if you try to get too specific, you get into a corner. They found that it was better to remain vague.

Megan stated that in section 5, she believes is now consistent with state and national regulations. In section 7, per state law, it is up to Justice Court to decide the fate of an animal.

Commissioner Lythgoe stated that the Commission will do a second reading in two weeks, and will probably wait another week to adopt. He stated that the Sheriff has a concern with barking. Megan stated that she understands that it will be tough to enforce at first. She noted that she has developed a ticket book that can be used. Mike Gilles, committee member, stated that they understand that there is no way to impound animals at this time, but violators can be sent a ticket and it should be effective. The committee is hopeful that the County will have someplace to impound animals in the future.

Rob Myers stated that if the Sheriff is afraid his office is going to be inundated with calls, it just proves how serious a problem this is. He lived in the Flathead where this ordinance was first implemented. He stated that the first time was substantial enough that it put an end of a lot of problems.

Janie Wunderwald asked that the Commission state the timetable of events. Commissioner Lythgoe explained the time line of adoption and implementation. Janie asked if adoption of the ordinance will be noticed in the *Independent Record* and the *Montana Standard*. Commissioner Lythgoe stated that this is probably not a bad idea, but the cost can be huge with those papers. Janie stated that it is her concern that it will take some time for people to become aware of the ordinance.

Megan presented a written comment, which Commissioner Lythgoe read.

Gary Wunderwald thanked the committee for all of their work, and the Commission for implementing the ordinance.

RESOLUTION 06-2006 A RESOLUTION SUPPORTING MINERAL EXPLORATION IN JEFFERSON COUNTY

Commissioner Weber read the resolution as follows:

RESOLUTION 06-2006

A RESOLUTION SUPPORTING MINERAL EXPLORATION IN JEFFERSON COUNTY

WHEREAS, the Jefferson County Commissioners, as the governing body of Jefferson County, fully comprehends that the mining industry is vital to its local economy as well as the economy of the State of Montana through mining's contributions of high paying jobs, purchase of supplies and equipment from local businesses, and its revenue into both the local and state tax coffers which support our schools and necessary governmental functions that sustain our quality of life, and;

WHEREAS, the Board strongly supports further mineral development, as this County is part of the mineral-rich Boulder Batholith, and;

WHEREAS, the Board is aware that the State of Montana Board of Environmental Review is in the process of amending the Administrative Rules for *Mine Operating Permits: Application Requirements*, more specifically section (6) to *ARM 17.24.116*. Even with the proposed modifications cited on by MAR Notice No. 17-244, the proposed ARM changes have a potential to restrict mining operations or eliminate future mining options to current approved mine plans throughout Montana by imposing a two-year limit on water treatment following mine

closure.

NOW, THEREFORE, BE IT RESOLVED: that the Board of Jefferson County Commissioners are opposed to the proposed rule changes of ARM 17.24.116 as the amendment has the potential to negatively impact our mineral natural resource industry and likewise have a negative ripple effect in our communities. The Board believes that passing rules, proposed by anti-mining groups, that erode the mining industry are more stringent than necessary and could carry over into potential business ventures and jeopardize our claim that Montana's doors are truly open for business.

DATED this 7th day of February, 2006.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Lythgoe moved to adopt the resolution. Commissioner Notbohm seconded. The motion carried.

BOARD APPOINTMENTS

Commissioner Lythgoe moved to re-appoint Ray Barnicoat for a three-year term on the Health Board. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe moved to re-appoint Francine Janek for a three-year term on the Health Board. Commissioner Weber seconded. The motion carried, with Commissioners Lythgoe and Weber voting aye and Commissioner Notbohm voting nay.

Commissioner Lythgoe moved to re-appoint Gerry Keogh to the Planning Board for a two-year term. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to re-appoint Edwin Hall to the Planning Board for a two-year term. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe moved to re-appoint Brud Smith to the Planning Board for a two-year term. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe moved to re-appoint Dave Leitheiser to the Planning Board for a two-year term. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to re-appoint Jack Dawson to the Board of Adjustment for a two-year term. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe moved to re-appoint Ray Beck to the Board of Adjustment for a two-year term. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe moved to re-appoint Frank Carey to the Board of Adjustment for a two-year term. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe moved to re-appoint Jennifer Anders to the Board of Adjustment for a two-year term. Commissioner Weber seconded. The motion carried.

Commissioner Weber moved to re-appoint Kay Ann Davis to the Whitehall Mosquito Board for a three-year term. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to appoint Kent Brown to the Solid Waste Board for a three-year term. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to re-appoint Diane James to the Tax Appeal Board for a three-year term. Commissioner Lythgoe seconded. The motion carried.

Commissioner Notbohm moved to re-appoint Rick Hasaaker to the Boulder TV Board. Commissioner Weber seconded. The motion carried.

Commissioner Notbohm moved to re-appoint Ralph Simmons to the Boulder TV Board. Commissioner Weber seconded. The motion carried.

Commissioner Notbohm moved to re-appoint Bill Shoquist to the Boulder TV Board. Commissioner Lythgoe seconded. The motion carried.

Commissioner Notbohm moved to re-appoint Julie Forbes to the Fair Board for a three-year term. Commissioner Weber seconded. The motion carried.

Commissioner Notbohm moved to appoint Colleen Vaughn to the Museum Board for a three-

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year term. Commissioner Weber seconded. The motion carried.

Commissioner Notbohm moved to re-appoint Casey Kelpzig to the Weed Board. Commissioner Weber seconded. The motion carried.

Commissioner Notbohm moved to re-appoint Bill Gillespie to the Weed Board. Commissioner Weber seconded. The motion carried.

Commissioner Notbohm moved to re-appoint Carla Matlack to the Boulder Mosquito Board for a three-year term. Commissioner Lythgoe seconded. The motion carried.

DISCUSS AND DECIDE ON COMMISSION BOARD AND COMMITTEE ASSIGNMENTS

Commissioner Lythgoe stated that there are a couple of changes that he would like to make. The various board and committees were discuss and changes made.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER